

4 AAC 27 is amended by adding a new section to read:

4 AAC 27.057. Charter school transportation policy. (a) A local school board shall adopt a charter school transportation policy that describes the transportation services that the district provide to students attending a charter school operated by the district if the district

(1) provides transportation services under AS 14.09.010; and

(2) operates a charter school or an application for the establishment of a charter school in the district is pending with the district under AS 14.03.250.

(b) A district shall submit to the department an application for approval of its charter school transportation policy on a form provided by the department. The district shall submit the application

(1) not later than April 15, 2015, if a charter school is in operation in the district on July 1, 2014; or

(2) not later than 30 days after approval of a charter school by a local school board, if a charter school is approved by a local school board after July 1, 2014, and a charter school transportation policy approved by the department is not in effect in the district.

(c) The application to the department must include

(1) evidence that the charter school transportation policy was developed in compliance with AS 14.09.010(e)(1);

(2) the charter school transportation policy adopted by the local school board that provides transportation services for charter school students in compliance with AS 14.09.010(e)(2); and

(3) other documents or information the department needs to evaluate a charter school transportation policy adopted by a local school board.

(d) Not later than 60 days after the department receives an application for approval of a charter school transportation policy, the department will grant approval for a charter school transportation policy if the charter school transportation policy meets the requirements of AS 14.09.010 and this section.

(e) If a district seeks to amend an approved charter school transportation policy, it shall submit an application for approval of an amendment of the charter school transportation policy on a form provided by the department. The district shall submit the application not later than April 15 of the fiscal year before the fiscal year when the proposed amendment will take effect. An application for approval of an amendment of a charter school transportation policy must meet the requirements of (c) of this section.

(f) Not later than 60 days after the department receives an application for approval of an amendment of a charter school transportation policy, the department will grant approval for the amendment of a charter school transportation policy if the amendment meets the requirements of AS 14.09.010 and this section.

(g) In this section, “local school board has the meaning given in AS 14.03.290. (Eff. 4/8/2015, Register 214)

Authority: AS 14.07.020 AS 14.07.060 AS 14.09.010

4 AAC 33.110 is repealed and readopted to read:

4 AAC 33.110. Charter school application and review procedure. (a) The application procedure required under AS 14.03.250(a) for the establishment of an initial or renewed charter for a charter school must be in writing and must be available upon request at the school district's central office. The local school board shall require an applicant to submit

sufficient information so that the local school board may conduct a thorough review of the proposed charter school. An application must be in the format that the department requires. An application, upon final approval by the State Board of Education and Early Development, operates as the charter for the school. In addition to meeting the requirements of AS 14.03.250(a), an application must include

- (1) a list of the members of the academic policy committee and their qualifications;
- (3) the length of the term of the contract required under AS 14.03.255(c);
- (4) the charter school's bylaws;
- (5) a description of the education program to be offered at the charter school and mechanisms for student assessment to be utilized in addition to those required under state law;
- (6) a written instructional program that addresses state content standards under 4 AAC 04 and that aligns with the content on the statewide student assessment system under 4 AAC 06.710 – 4 AAC 06.790;
- (7) written objectives for program achievement;
- (8) a description of and schedule for staff development activities;
- (9) a school schedule and calendar;
- (10) plans for serving special education, vocational education, gifted, and bilingual students;
- (11) written admissions policies and procedures;
- (12) if the charter school is the only school in the community, an alternative option for students not wishing to attend the charter school;
- (13) a written administrative policy manual;

- (14) a written budget summary and financial plan, including
 - (A) a statement of the charter school's funding allocation from the local school board and costs assignable to the charter school program budget; and
 - (B) the method by which the charter school will account for receipts and expenditures;
 - (15) a written plan for the charter school's facility;
 - (16) a written plan that addresses the teacher-to-student ratio, including projected enrollment figures;
 - (17) a written student recruitment process, including a lottery or random drawing mechanism for enrollment if applicants exceed the school's capacity;
 - (18) a requested or existing exemption for the charter school from a written collective bargaining contract;
 - (19) a plan for student transportation and the district charter school transportation policy, if proposed or adopted;
 - (20) the written termination clause that must appear in the contract between the charter school and the local school board;
 - (21) proof of compliance with applicable law; and
 - (22) other documents or information the district needs to evaluate the proposed charter school.
- (b) Not later than 30 days after a local school board's decision to approve an initial application or a renewal application for a charter school, the local school board shall forward the application to the State Board of Education and Early Development for review and approval under AS 14.03.250(c) by mailing to the department

- (1) the complete application filed with the local school board, including all supporting documents required under (a) of this section;
- (2) the written decision of the local school board;
- (3) all other materials considered by the local school board in support of or in opposition to the application; and
- (4) the minutes of the local school board meeting at which the charter school was approved.

(c) An initial application for a charter school approved by a local school board may not be submitted to the department under (b) of this section more than 12 months before the planned startup date for the new school. A renewal application for a charter school approved by a local school board may not be submitted to the department under (b) of this section more than 12 months before the expiration of the existing contract.

(d) An initial application and a renewal application approved by a local school board and submitted to the department under (b) of this section must be received by the department at least 90 days before the next regularly scheduled meeting of the State Board of Education and Early Development.

(e) The State Board of Education and Early Development will review an initial application or a renewal application approved by the local school board and submitted to the department under (b) of this section. The State Board of Education and Early Development will consider an initial application or a renewal application in the order in which it is received.

(f) Not later than 60 days after a local school board issues a decision to deny an initial application or a renewal application for a charter school, an applicant may file a notice of appeal to the commissioner under AS 14.03.250(d). In the notice of appeal, the applicant must specify

the grounds for its appeal, stating which, if any, finding of fact or conclusion of law in the local school board's decision is alleged to be in error. If the applicant alleges that a finding of fact is in error, the applicant must specify in the notice of appeal the evidence in the record before the local school board that supports a contrary finding of fact. With the notice of appeal, the applicant must file with the commissioner

(1) the complete application submitted to the local school board, including all supporting documents required under (a) of this section;

(2) the written decision of the local school board;

(3) any other materials considered by the local school board in support of or in opposition to the application;

(4) the minutes of the local school board meeting at which the application was approved or denied, or if the minutes are not yet available, the date on which the minutes will be available for review by the department; and

(5) not later than ten working days after receiving the commissioner's written request for a hearing transcript, a transcript of any recorded testimony presented to the local school board regarding the charter school application.

(g) The commissioner will review an appeal of a local school board decision denying an initial or renewal application for a charter school under AS 14.03.250(d).

(h) If the commissioner upholds the denial of an application, the applicant may file an appeal of the commissioner's decision to the State Board of Education and Early Development not later than 30 days after the issuance of the commissioner's decision. The commissioner will forward the appeal to the State Board of Education and Early Development immediately for consideration at its next meeting. The State Board of Education and Early Development will

issue a decision not later than 90 days after the filing of an appeal of a commissioner's decision upholding a denial of an application.

(i) If the commissioner approves an initial or renewal application by overturning a denial by the local school board, the commissioner will forward the application and record to the State Board of Education and Early Development not later than 30 days after the commissioner issues a written decision of approval. The State Board of Education and Early Development will consider the application at its next meeting.

(j) The State Board of Education and Early Development will not approve an application that contains insufficient information to determine compliance with applicable law.

(k) A decision of the State Board of Education and Early Development granting or denying approval for a charter school application is a final agency action for purposes of an appeal to the superior court. (Eff. 4/27/96, Register 138; am 3/31/2002, Register 161; am 7/26/2002, Register 163; am 8/6/2004, Register 171; am 4/18/2015, Register 214)

Authority: AS 14.03.250 AS 14.03.280 AS 14.07.060

AS 14.03.253

AS 14.07.020

AS 14.03.255

Editor's note: The address for mailing the **materials** [APPLICATION AND DECISION]

described in **4 AAC 33.110(b)** [4 AAC 33.110(g)] is Commissioner, Department of Education and Early Development, **P.O. Box 100500**, 801 West Tenth Street, Juneau, Alaska 99801-0500.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.

4 AAC 33 is amended by adding new sections to read:

4 AAC 33.113. Amendment of charter. A charter school may apply to a local school board for an amendment to the school's charter during the term of its contract with the local school board. If a local school board approves an amendment to the charter, an amended contract must be executed to conform to the amended charter. The local school board must forward an amended charter and amended contract to the department. A charter school may make district-approved changes to its program that do not require an amendment to the school's charter without review by the State Board of Education and Early Development, except that a change of program that involves the addition of an elementary or secondary program must be approved by the local school board and the State Board of Education and Early Development. (Eff. 4/18/2015, Register 214)

Authority: AS 14.03.250 AS 14.07.020 AS 14.07.060

AS 14.03.280

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.115. Operation of charter schools. The department may audit the charter school's program during the term of the contract under AS 14.03.255(c) and may take any action necessary to ensure compliance with federal and state law, including the withholding of money under AS 14.07.070. Notwithstanding any provision of a charter or contract, a charter school shall comply with state and federal law. A change in state or federal law taking effect during the term of an existing contract or charter overrides an inconsistent provision of a contract or charter. (Eff. 4/18/2015, Register 214)

Authority: AS 14.03.250 AS 14.03.280 AS 14.07.060

AS 14.03.255 AS 14.07.020

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.117. Charter school grant program. (a) A charter school that is established on or after July 1, 2014, may apply to the department for one-time grant funding under AS 14.03.264. An applicant charter school must

- (1) apply on a form prescribed by the department;
- (2) provide evidence in its application that demonstrates that grant funds will be used to provide educational services as defined under AS 14.03.264(a); and
- (3) file its application with the department not later than September 15 to receive funding based on student enrollment on October 1 of the same fiscal year.

(b) A charter school that received reduced grant funding in a prior fiscal year as permitted under AS 14.03.264(c) may apply for the balance of the grant amount using the procedures described in (a) of this section.

(c) The department will notify a newly approved charter school of its eligibility for grant funding under AS 14.03.264 promptly after approval of the charter by the State Board of Education and Early Development. (Eff. 4/18/2015, Register 214)

Authority: AS 14.03.264 AS 14.07.020 AS 14.07.060

4 AAC 33.119. Definitions. In 4 AAC 33.110 – 4 AAC 33.119,

- (1) "charter school" has the meaning given in AS 14.03.290;
- (2) "commissioner" means the commissioner of education and early development;
- (3) "department" means the Department of Education and Early Development;
- (4) "local school board" has the meaning given in AS 14.03.290;

(5) “working day” means a day other than Saturday, Sunday, or a holiday.

(Eff. 4/18/2015, Register 214)

Authority: AS 14.03.250 AS 14.07.020 AS 14.07.060

AS 14.03.280